



Daniel Davis <daniel@ncil.org> on 04/06/2004 04:18:56 PM

Please respond to daniel@ncil.org

To: politicalcommitteestatus@fec.gov
cc:

Subject: Comments Re: Notice of Proposed Rulemaking on Political Committee Status

Dear Ms. Dinh:

Please find below and attached the comments of the National Council on Independent Living re: the Notice of Proposed Rulemaking on Political Committee Status. NCIL's President, Mike Oxford is commenting on behalf of our organization. Per your instructions, the full name, e-mail address and postal service address of the commenter is included below.

Please feel free to follow up with us if you have any questions or if you have difficulty opening up the attachment. Thank you for your consideration.

Respectfully,

Daniel Davis
Policy Analyst
National Council on Independent Living (NCIL)

Mike Oxford

National Council on Independent Living

1916 Wilson Boulevard, Suite 209

Arlington, VA, 22201

Phone (703)-525-3406

ncil@ncil.org

April 5, 2004

Ms. Mai T. Dinh

Acting Assistant General Counsel

Federal Election Commission

999 E Street, NW

Washington, DC 20463.

Comments Re: Notice of Proposed Rulemaking on Political Committee Status

Dear Ms. Dinh:

Thank you for the opportunity to provide input on the FEC's proposed rule change.

The National Council on Independent Living (NCIL) is a national membership organization comprised of centers for independent living, statewide independent living councils, persons with disabilities, independent living advocates, and organizations supporting the principles of independent living. NCIL's mission is to advance the independent living philosophy and advocate for the human rights of, and services for, people with disabilities to further their full integration and participation in society.

NCIL writes in opposition to these changes because they represent regulatory overreach interfering with non-partisan advocacy and voter registration efforts, and because they would have a chilling effect upon the legitimate expression of perspectives of Americans with disabilities. We are greatly apprehensive that, if implemented, these proposals would drastically stifle the free speech of all non-profits and inhibit our ability to represent our membership and engage in the vibrant open public discourse that is the hallmark of a free society.

While NCIL is generally concerned that these proposed rules are inconsistent with the First Amendment freedoms of speech and expression, NCIL particularly objects to several specific provisions that impact our activities and those of our members and colleagues in the disability rights community:

· **Expansive Definition of Political Committee:** Under these regulations, many non-profit groups would be transformed into federally regulated political committees.

· **Prohibitions on Advocacy Communications:** The FEC proposes to define a federally regulated expenditure as any communications that "promote, support, attack or oppose" a federal candidate and/or the *policy positions* of a federal candidate. We respectfully reject this proposal as fundamentally contrary to the First Amendment and unduly restrictive of advocacy activities by non-partisan non-profit organizations that are indispensable to advancement of the civil rights of persons with disabilities. Since the mainstream media provides little to no coverage of most disability related issues, it is absolutely essential for advocacy organizations to share with their members the latest developments, both positive and negative, with regard to public policy impacting the rights and well-being of people with disabilities.

· **Restrictions on Voter Participation Activities:** The political influence of people with disabilities remains disproportionately low. NCIL, our member centers for independent living and other organizations advocating for the rights of people with disabilities are working to change this through support of non-partisan disability voter registration and Get Out the Vote drives, as well as through advocacy involving federal legislation.

People with disabilities make up 20 percent of society, but only vote with a 35-45% turnout rate and are not taken nearly as seriously as many other constituencies. People with disabilities are among the poorest, most unemployed and most vulnerable to state and federal budget cuts.

NCIL strongly objects to the NPRM's proposal to prohibit groups from using any information "concerning likely party or candidate preference" to determine who it will encourage to register to vote, since it may be inappropriately interpreted to bar non-profit groups from targeting voter participation activities in the disability rights community.

Even if the Commission were to strike the definition of nonpartisan voter registration and get-out-the-vote from the definition of "prohibited expenditures," the NPRM's expansive definition of "political committee" would make it practically impossible for non-profits to engage in the most nonpartisan of voter participation activities.

. **Look Back Rule:** We also emphatically object to the FEC's "look back" proposal, which we believe runs counter to the spirit, if not the letter, of the Constitution's bar on "ex post facto" legislation.

People with disabilities depend upon advocacy at the federal level. To impose such onerous burdens and, accordingly, threaten to strangle organizations through excessive regulation and burdensome micromanagement is unreasonable, unfair and frankly unbecoming of a regulatory agency under a democratic system of government.

Sincerely,

Mike Oxford,
NCIL President

P.S. Please reply to the following address:

ATTN: Daniel Davis, Policy Analyst

National Council on Independent Living

1916 Wilson Boulevard, Suite 209

Arlington, VA, 22201

Phone (703)-525-3406 Ext (26)

E-mail: daniel@ncil.org



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